

REMARKS

This Preliminary Amendment accompanies a Request for Continued Examination. The applicants thank the Examiner for the thorough examination of the application. A substitute Abstract is provided. No new matter is believed to be added to the application by this amendment.

Request for an Interview

The Examiner is respectfully requested to contact the applicants' representative, Robert E. Goozner, Ph.D. (Reg. No. 42,593) at 703-205-8000 in order to arrange a personal interview.

Status of the Claims

Claims 1-15 are pending in the application. Claim 15 has been amended to recite a positive step.

The Abstract

In the Advisory Action mailed May 26, 2004, the Examiner asks that the Abstract of November 25, 2003 should be used. The Examiner's comments have been considered. A substitute Abstract that corresponds to the November 25, 2003 Abstract is appended to this paper.

Issues Under 35 U.S.C. §112, First Paragraph

The Amendment of May 10, 2004 (now entered by an RCE) amended the claims such that “plural groups X are the same or different ~~and may be bonded to each other to form a ring.~~” In the Advisory Action of May 26, 2004, the Examiner states that “limiting the metal compound to having only one of the phenoxyxycyano ligands as done by not permitting plural X groups to bend to each other leads to 112, 1st paragraph enablement and new matter issues since the specification as filed only discloses examples of these compounds where there are at least two such ligands on the metal atoms.”

However, the specification at page 7, lines 6-8 (for example) states: “when n is 2 or greater, plural groups X **may** be the same or different and **may** be bonded to each other to form a ring.” (emphasis added). This disclosure can also be found at page 9, lines 3-5 and at page 10, lines 23-25. Also, the Examiner appears to be asserting that the amended claims forbid plural X groups to be bonded to each other by presenting the amended phrase “plural groups X are the same or different ~~and may be bonded to each other to form a ring.~~” However, this amendment merely eliminates ring formation but still allows the groups X to bond to each other.

As a result, the amended claims present no new issues under 35 U.S.C. §112.

Other Issues

All other issues were fully addressed in the Amendment filed May 10, 2004, now entered by the filing of an RCE. Additional remarks are accordingly not necessary.

The Drawings

The Examiner is respectfully requested to indicate whether the corrected drawings filed May 10, 2004 are acceptable.

Information Disclosure Statements

The Applicants thank the Examiner for considering the Information Disclosure Statements filed August 31, 2001 and November 3, 2003 and for making the initialed PTO-1449 forms of record in the application in the Office Action mailed February 9, 2004.

Prior Art Cited by the Examiner

The prior art cited but not utilized by the Examiner indicates the status of the conventional art that the invention supercedes. Additional remarks are accordingly not necessary.

Foreign Priority

The Examiner has acknowledged the claim for foreign priority.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Substitute Abstract

ABSTRACT

The invention provides olefin polymerization catalysts exhibiting excellent polymerization activities, a process for olefin polymerization using the catalysts, a novel transition metal compound useful for the catalysts, and α -olefin/conjugated diene copolymers having specific properties. The olefin polymerization catalysts of the invention contain (A) a transition metal compound of formula (I), and (B) an organometallic compound, an organoaluminum oxy-compound or an ionizing ionic compound. The novel transition metal compounds of the invention are compounds of formula (I) wherein M is a transition metal atom of Group 3 or 4 of the periodic table; R¹ is a hydrocarbon group, etc.; R² to R⁵ are each H, a halogen, a hydrocarbon group, etc.; R⁶ is a halogen, a hydrocarbon group, etc.; n is a number satisfying a valence of M; and X is a halogen, a hydrocarbon group, etc.

